IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1054 of 2005

Between:

Mamatha Dwacra Group, Gudivada Rep by its President Smt. P. Madhurims, W/o. Ganapathi, R/o. Gudivada, Krishna District.

..... PETITIONER

AND

1 The Joint Collector, (Civil Supplies), Krishna District at Machilipatnam.
2 The Revenue Divisional Officer, Gudivada, Krishna District.
3 The Estate Officer, Raythu Bazar, Gudivada, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in taking steps to evict the members of the petitioner-Dwacra Group from their shop/stall situated at Rathu Bazar, Gudivada, without initiating any proceedings is illegal, improper, unjust, violative of principles of natural justice, unconstitutional, besides being violative of the mode of the Government Scheme Dwacra, null and void and consequently direct the respondents not to interefere or evict the members of the petitioners-Dwacra group from their shop/stall situated at Rathu Bazar, Gudivada, Krishna District and pass such other order or orders

Counsel for the Petitioner:MR.V.H.V.R.R.SWAMY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The Revenue Divisional Officer, Gudivada, 2nd respondent, called for applications for allotment of shops in Raythu Bazar. Petitioner and several others applied for the same. After conducting interviews and on consideration of their cases, the 2nd respondent allotted the shop to the petitioner for a spell of three months from 01.08.2003 to 31.10.2003. The term expired long back. Petitioner contends that it is being continued on the same terms, and without taking any steps in accordance with the relevant provisions the respondents are trying to evict it.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Even from the record, it is evident that the allotment of shops in the Raythu Bazar was made by following the procedure of inviting applications and conducting interviews. The fact that the respondents permitted the petitioner to continue even after the term of three months discloses that subsequent selections did not take place. As and when any selections take place and allotments are made, the petitioner has to abide by the same. However, till such allotment is made, the respondents cannot evict the petitioner.

Hence, the writ petition is disposed of directing that it shall be open to the respondents to select the persons, for the purpose of allotment of shops in Raythu Bazar, and till such allotment is made, petitioner shall be continued on the same

terms. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 16.02.2005

Note: Furnish copy

in two days

(B/o)

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To

1 The Joint Collector, (Civil Supplies) Krishna District at Machilipatnam
2 The Revenue Divisional Officer, Gudivada, Krishna District
3 The Estate Officer, Raythu Bazar, Gudivada, Krishna District

4 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

5 2CD copies.